



## ***Montana Fish, Wildlife & Parks***

### **Big Hole River and Powerhouse FAS Closure Rules - PROPOSED**

#### **I. PURPOSE**

(1) The purpose of the following rule is to address safety concerns on the Big Hole River and at Powerhouse Fishing Access Site (FAS).

(2) The Montana Department of Transportation (MDT) is scheduled to resume work to replace Silver Bridge starting July 1, 2015. Silver Bridge spans the Big Hole River near the town of Divide.

(3) Bridge construction will require work within the river channel. Although MDT contract provisions stipulate that the contractor provide safe float passage through the construction site, MDT anticipates that there may be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river and the entire access site to all use in the proximity of the construction site.

#### **II. BIG HOLE RIVER AND POWERHOUSE FAS CLOSURE**

(1) The closure rule applies to a portion of the Big Hole River and the Powerhouse FAS, located in Butte-Silver Bow County.

(2) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, to close the Big Hole River 1000 feet above and 1000 feet below the Silver Bridge construction site to all public occupation and recreation including, but not limited to, floating, fishing, hunting, swimming, wading, and boating.

(3) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, to close the Powerhouse FAS in its entirety to all public occupation and recreation.

(4) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, to repeal any or all portions of the rule once conditions no longer present a public safety concern, and to reinstate the closures should safety issues become apparent.

#### **III. EXCEPTIONS TO RIVER CLOSURES**

(1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.

(2) Vessels, equipment, and employees' necessary for completion of the Silver Bridge construction are permitted to occupy the closed portions of the Big Hole River and Powerhouse FAS.

#### **IV. EFFECTIVE DATE AND EXPIRATION OF THIS RULE**

(1) This rule is effective upon final approval of the commission.

(2) This rule expires one year after final approval of the commission.

(3) This rule may be repealed at anytime by the commission. Signs restricting use of the Big Hole River and Powerhouse FAS will be removed when the rule is not active.